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2. *Amendment of section 4, Travancore-Cochin Act VIII of 1950.*—In section 4 of the Holdings (Stay of Execution Proceedings) Act, 1950 (Travancore-Cochin Act VIII of 1950), for the words " fifteen years and six months ", the words " seventeen years and six months ", shall be substituted.

APPENDIX V

[Vide item II (4) on page 644 supra.]

L.A. Bill No. 26 of 1965.

(As passed by the Assembly.)

A Bill to extend certain laws to the transferred territory in the State of Madras.

Be it enacted by the Legislature of the State of Madras in the Sixteenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras (Transferred Territory) Extension of Laws Act, 1965.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requiries.—

(*a*) " existing law " means any law, Ordinance, Proclamation, regulation, order, by-law, or rule passed or made before the date of the commencement of this Act by Parliament, or by any Legislature, authority or person having power to make such a law, Ordinance, Proclamation, regulation, order, by-law or rule;

(*b*) " transferred territory " means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

3. *Extension of certain enactments.*—So much of the enactments specified in the First Schedule as is in force on the date of the commencement of this Act in the State of Madras except in the transferred territory and relates to matters with respect to which the State Legislature has power to make laws for the State is hereby extended to, and shall be in force in, the trasnferred territory.

4. *Amendment and extension of certain enactments.*—(1) The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

(2) So much of the enactments specified in the Second Schedule as is in force on the date of the commencement of this Act in the State of Madras except in the transferred territory and relates to matters with respect to which the State Legislature has power to make laws for the State and as amended to the extent and in the manner mentioned in the fourth column of the said Schedule is hereby extended to, and shall be in force in, the transferred territory.

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5. *Construction of references to laws not in force in the transferred territory.*—(1) Any reference in any enactment specified in the First and Second Schedules to a law which is not in force in the transferred territory shall, in relation to that territory, be construed as a reference to the corresponding law, if any, in force in that territory.

(2) Any reference in any existing law which continues to be in force in the transferred territory after the date of the commencement of this Act to any law repealed by section 7 shall, in relation to that territory, be construed as a reference to the enactment specified in the First or Second Schedule corresponding to the law so repealed.

6. *Construction of references to authorities where new authorities have been constituted.*—Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the transferred territory shall, where a corresponding new authority has been constituted by or under any enactment now extended to the transferred territory, have effect as if it were a reference to that new authority.

7. *Repeal of corresponding laws.*—If, immediately before the date of the commencement of this Act, there is in force in the transferred territory any Act, Ordinance, Proclamation, regulation, order, by-law rule or other law corresponding to an enactment specified in the First or Second Schedule, whether such Act, Ordinance, Proclamation, regulation, order, by-law, rule or other law is in force by virtue of section 119 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) or by virtue of any other legislative power, such corresponding law shall, on the date of the commencement of this Act, stand repealed to the extent to which the corresponding law relates to matters with respect to which the State Legislature has power to make laws for the State.

8. *Savings.*—(1) The repeal by section 7 of any corresponding existing law shall not affect—

(*a*) the previous operation of any such law or anything duly done or suffered thereunder, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any such law, or

(*c*) any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture or punishment as aforesaid :

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such fine, penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

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(2) Subject to the provisions of sub-section (1), anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, permit or licence granted or registration effected, under such corresponding existing law shall be deemed to have been done or taken under the corresponding provision of the enactment as now extended to, and in force in, the transferred territory and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said enactment.

9. *Powers of courts and other authorities for purposes of facilitating application of laws.*—For the purpose of facilitating the application in the transferred territory of any enactment specified in the First or Second Schedule, any court or other authority may construe such enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

10. *Extension of Madras Preservation of Private Forests Act to the Shencottah taluk of the Tirunelveli district.*—(1) The Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), as in force immediately before the date of the commencement of this Act and as amended by sub-section (2), is hereby extended to, and shall be in force in, the Shencottah taluk of the Tirunelveli district, and sections 5 to 9 shall apply in relation to that Act as if it had been included in the Second Schedule.

(2) The Act aforesaid shall be amended as follows, that is to say, for the Explanation to clause (*a*) of section 2, the following Explanation shall be substituted, namely :—

" *Explanation.*—For the purposes of this clause. " Communal land " means—

(i) beds and bunds of tanks and of supply, drainage, surplus or irrigation channels;

(ii) threshing-floor, cattle-stands, village-sites and other lands which are set apart for the common use of the villagers."

11. *Repeal of certain enactments.*—(1) The enactments specified in the Third Schedule in so far as they apply to, and are in force in, the transferred territory are hereby repealed.

(2) Without prejudice to the provisions of sub-section (1), the Travancore-Cochin Compensation for Tenants Improvements Act, 1956 (President's Act X of 1956), in so far as it applies to, and is in force in, the Shencottah taluk of the Tirunelveli district is hereby repealed.

12. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act or of any enactment extended to the transferred territory by this Act, the State Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such order or both Houses agree that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to te validity of anything previously done under that order.



THE FIRST SCHEDULE.

(*See* section 3.)

Year. (1)	*Number.* (2)	*Short title.* (3)
1888	I	The Madras Local Authorities' Loan Act, 1888.
1922	III	The Madras City Tenants' Protection Act, 1921.
1954	XXIX	The Madras Electricity Supply Undertakings (Acquisition) Act, 1954.

THE SECOND SCHEDULE.

(*See* section 4.)

Year. (1)	*Number.* (2)	*Short title.* (3)	*Amendments.* (4)
		Central Acts.	
1897	IV	The Indian Fisheries Act, 1897	1. After section 6, the following sections shall be inserted namely :—

2. '6-A. *Power of State Government to permit clubs or associations to take fish in certain cases.*— (1) Whenever it appears to the State Government that adequate arrangements have been made by any club or association for preserving and protecting in any water such non-indigenous varieties of fish as may be specified by the State Government by notification in the Official Gazette they may by order in writing permit such club or association to have the exclusive right of taking such fish in the water aforesaid within such limits and for such period and subject to such conditions as the State Government may deem fit.

(2) Any club or association to which permission is granted under sub-section (1) may, subject to the approval of the State Government, make regulations for the protection and preservation of the fish to which the permission applies, and for regulating the manner in which such fish may be taken. Such regulations when approved by the State Government shall be published in the Official Gazette.

(3) In particular and without prejudice to the generality of the power conferred by sub-section (2), such regulations may provide for—

(*a*) the issue of licences by the club or association [either in addition to or in substitution for, the licence referred to in sub-section (4) of section 6] enabling the licensees to fish for and take the fish to which the permission applies subject to the rules governing the club or association ;—

(*b*) the fees chargeable on the issue of such licences ;

(*c*) the application of such fees ; and

(*d*) a close season for the fish to which the permission applies.

6-B. *Penalty for fishing without licence in certain cases.*—Any person who without a licence, if any, required by regulations made under section 6-A or during the close season prescribed by those regulations, or in contravention of any of those regulations, fishes or takes, or attempts to take, any fish, seall be punishable with fine which may extend to one hundred rupees.

6-C. *Prohibition against attracting prawns into private waters except under a licence.*—(1) Notwithstanding anything contained in any other provisions of this Act or any law or custom having the force of law, no person shall expect under a licence, and in accordance with the terms and conditions, if any prescribed by rules made under sub-section (3) attract prawns or cause or allow migration of prawns into private waters from any waters notified under sub-section (1) of section 6 by the use of sluices, openings, alluring lights or other contrivances and catch, destroy, cause injury to, or prevent escape of, any such prawns by the use of nets, gratings, gears or any other means whatsoever.

2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred rupees.

Year. (1)	Number. (2)	Short title. (3)	Amendments. (4)
1897—*cont.*	IV—*cont.*	The Indian Fisheries Act, 1897—*cont.*	(3) The State Government may make rules for the purpose of giving effect to the provisions of this section and prescribe therein the terms and conditions under which a licence may be issued. (4) Fee at such rates as may be fixed by the State Government by rules made under sub-section (3) shall be paid in respect of every licence issued under sub-section (1) : Provided that the fee payable for any such licence shall not exceed a sum calculated at rupess five per acre of the private waters into which prawns are attracted or caused or allowed to migrate. (5) The breach of any rule made under sub-section (3) or of the conditions of any licence issued under sub-section (1), shall be punishable with fine which may extend to one hundred rupees and, when the breach is a continuing breach, with a further fine which may extend to ten rupees for every day after the date of the first conviction during which the breach is proved to have been persisted in." 2. In sub-section (1) of section 7, for the words and figures "under section 4 or 5 or under any rule under section 6 ", the words, figures and letters " under section 4, 5, 6-B or 6-C or under any rule under section 6 or 6-C " shall be substituted.
1914	IX	The Local Authorities Loans Act, 1914 ..	After section 8, the following section shall be inserted namely ;— " 9. *Application of Act to loans existing previous to the date of the commencement of Travancore-Cochin Act IX of* 1951.—The remedy mentioned in section 5 shall be available for the recovery of any money lent by the Government of the former State of Travancore or Travancore-Cochin to any local authority in the Kanyakumari district and the Shencottah taluk of the Tirunelveli district before the date of the commencement of the Travancore-Cochin Local Authorities Loans Act, 1951 (Travancore-Cochin Act IX of 1951) and also for the recovery of the interest and costs due in respect thereof"

Madras Acts

1939	III	The Madras Registration of Births and Deaths Act, 1899.	In section 12, in clause (2), the words "arrack or toddy shop." shall be omitted.
1939	III	The Madras Public Health Act, 1939	After section 8, the following section shall be inserted, namely :— "8-A. *Special provision in respect of persons holding posts in the public health establishment in the transferred territory.*—(1) Notwithstanding anything contained in section 8, every person who, under the regulations made under sub-section (2) of section 6 of the Travancore-Cochin Public Health Act, 1955 (Travancore-Cochin Act XVI of 1955) was holding a post in the public health establishment of any local authority in the transferred territory immediately before the date of the extension of this act to the said territory shall be entitled to receive from the local authority concerned conditions of service not less favourable than those to which he was entitled under the said regulations immediately before the said date. (2) If any question arises as to whether any person was holding any such post as is referred to in sub-section (1), immediately before the date of the extension of this Act to the transferred territory, the decision of the Government on the question shall be final. *Explanation.*—For the purpose of this section, the expression "transferred territory" shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district".
1955	XIV	The Madras Court-fees and Suits Valuation Act, 1955.	1. After clause (iii) of section 3, the following clause shall be inserted, namely:— "(iii-a) 'transferred territory' means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district and". 2. After sub-section (2) of section 7, the following sub-section shall be added, namely:— "(3) Notwithstanding anything contained in sub-section (2), the market value of land, building or garden in the transferred territory shall, in cases of dispute, be deemed to be ten times the difference between the annual gross profits of such land, building or garden where it is capable of yielding annual profits and the assessment, if any, due to the State Government."

Year. (1)	*Number.* (2)	*Short title.* (3)	*Amendments.* (4)
1955—*cont.*	XIV—*cont.*	The Madras Court-fees and Suits Valuation Act, 1955—*cont.*	3. In section 22, the following Explanation shall be added, namely:— "*Explanation*—For the purposes of this section, the expression "suit for money" shall, in respect of the transferred territory, also include suits for rent, pattom, michavaram, adukkuvathu, jenmikaram, or other dues of a like nature." 4. In section 34,— (i) in the heading, the words and figures "under the Malabar Tenancy Act, 1929" shall be omitted ; (ii) after sub-section (2), the following sub-section shall be added, namely:— "(3) Notwithstanding anything contained in sub-sections (1) and (2), in respect of the transferred territory, in a suit for ejectment of a kanom holder or a tenant who has a right to permanent occupancy, or is enjoying under a perpetual lease or under a lease for a term exceeding 25 years, fee shall be computed according to the market value of the subject matter." 5. In section 43, in sub-section (1), after clause (*b*), the following clause shall be inserted, namely:— "(*bb*) in respect of the transferred territory, for abatement of rent, where it is not coupled with any other relief." 6. After section 44, the following section shall be inserted, namely:— "44-A. *Suits for the interest of assignee of land revenues.*—In respect of the transferred territory, in a suit for the interest of an assignee of land revenue, fee shall be computed at ten times his gross profits as such for the year next before the date of presenting the plaint.". 7. After section 87, the following section shall be inserted, namely:— "88. *Savings in respect of the transferred territory.*—In respect of the transferred territory, all suits and proceedings instituted before the commencement of the Madras (Transferred Territory) Extension of Laws Act, 1965, and all proceedings by way of appeal, revision or otherwise, arising therefrom, whether instituted before or after such commencement, shall, notwithstanding the repeal of the corresponding law by the said Act, be governed by the provisions of the said corresponding law and the rules made thereunder.

Explanation.—In this section, the expression "corresponding law" shall mean The Travancore-Cochin Court Fees Act, 1125 (Travancore-Cochin Act II of 1125) and the Travancore-Cochin Suits Valuation Act, 1125 (Travancore-Cochin Act IV of 1125).".

THE THIRD SCHEDULE

[*See* sub-section (1) of section 11.]

Year.	*Number.*	*Short title.*
(1)	(2)	(3)
		Travancore-Cochin Acts.
1125	II	The Travancore-Cochin Court Fees Act, 1125.
1125	IV	The Travancore-Cochin Suits Valuation Act, 1125.
1950	V	The Travancore-Cochin Public Safety Measures Act, 1950.